

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 922 – HB 1064

March 6, 2013

SUMMARY OF ORIGINAL BILL: Authorizes the Comptroller of the Treasury, Secretary of State, and State Treasurer to appoint designees to serve in their place as ex-officio members of the Tennessee Higher Education Commission (THEC).

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (003926): Deletes all language after the enacting clause. Deletes Tenn. Code Ann. § 49-10-608. Prohibits the Department of Education (DOE), State Board of Education (SBE), local boards of education, and local education agencies (LEAs) from hiring or retaining any individual whom the Department of Children's Services (DCS) has found to have committed child abuse, severe child abuse, child sexual abuse, or child neglect; provided that no individual or employee shall be reported by DCS, unless DCS has determined that the due process rights of the individual were either offered but not accepted, or were fully concluded, pursuant to DCS rules and regulations and state and federal law. Requires all such individuals who are currently employed, or have been offered conditional employment with the DOE, SBE, LEAs, or local boards of education, and who have been found to have committed such acts, to be offered due process rights. Once the due process rights have either been offered, but not accepted, or have been fully concluded and the finding upheld, DCS shall disclose these findings to the DOE, SBE, LEA, or local board of education. If the due process rights of current employees or employees who have been offered conditional employment have not been offered, or are still pending, DCS shall conduct an emergency review to determine if the individual poses an immediate threat to the health, safety, and welfare of children. If a determination is made, DCS shall disclose it to the appropriate employing entity. If DCS has begun an investigation of an individual that has not been concluded, and the individual is a current employee or has been offered conditional employment, DCS shall conduct an emergency review to determine if the individual poses an immediate threat to the health, safety, and welfare of children. If such determination is made, DCS shall disclose it to the appropriate employing entity. Requires DCS to notify the appropriate employing entity when due process proceedings have ceased due to a pending criminal charge against the individual. Requires the DOE, SBE, and DCS, in consultation, to develop a procedure whereby LEAs and local boards of education may submit to DCS, the names of current employees and those who have been offered conditional employment

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to determine if such individuals have ever committed such acts or pose an immediate threat to the health, safety, and welfare of children. Requires DCS to provide this information timely to the appropriate entities. Prohibits the DOE, local boards of education, and LEAs from hiring or retaining any individual whose name has been placed on the state's vulnerable person's registry or sex offender registry. Requires DCS to promulgate emergency rules pertaining to emergency file reviews within 60 days of the act becoming law.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- DCS will create rules for emergency file reviews and conduct such reviews without an increase in personnel or a significant increase in expenditures
- Any increase in the number of cases that DCS will review is estimated to be not significant.
- Any increase in state expenditures for DCS to disclose information to employing entities is estimated to be not significant.
- Any increase in state or local expenditures for state and local government entities to send the names of employees to DCS for review will be not significant.
- Any increase in the number of court cases as a result of emergency file reviews is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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